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7                   UNITED STATES DISTRICT COURT  
8                   CENTRAL DISTRICT OF CALIFORNIA

9                   DWAYNE BALLARD, on behalf of  
10                  himself and others similarly situated,

11                  Plaintiff,

12                  v.

13                  PACIFIC LOGISTICS CORP, an  
14                  Arizona corporation, and DOES 1  
15                  through 50, inclusive,

16                  Defendants.

17                  Case No. CV 18-10320 DSF (JCx)

18                  **ORDER:**

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- (1) **GRANTING MOTION FOR  
FINAL APPROVAL OF  
CLASS ACTION  
SETTLEMENT;**
- (2) **GRANTING MOTION FOR  
ATTORNEYS' FEES,  
REIMBURSEMENT OF  
COSTS, AND INCENTIVE  
PAYMENT TO THE CLASS  
REPRESENTATIVE; AND**
- (3) **ENTERING FINAL  
JUDGMENT**

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31                  Plaintiff Dwayne Ballard's Motion for Final Approval of Class Action  
32                  Settlement (Final Approval Motion) and Motion for Attorneys' Fees,  
33                  Reimbursement of Costs and Incentive Payment to Class Representative  
34                  (Attorneys' Fees Motion) was taken under submission due to concerns about Court  
35                  appearances in light of COVID-19. The Court, having considered the Settlement  
36                  Agreement, Final Approval Motion, Attorneys' Fees Motion, supporting papers,  
37                  and the Parties' evidence and argument, and good cause appearing, grants final  
38                  approval of the Settlement as indicated below and enters final judgment.

1 Capitalized terms in this Final Approval Order shall have the definitions in the  
2 Settlement Agreement.

3 IT IS ORDERED:

4 1. Pursuant to this Court's Preliminary Approval Order, Class Notice  
5 was mailed to each Class Member. The Class Notice informed Class Members of  
6 the terms of the Settlement, their right to be excluded from the Settlement and  
7 pursue their own remedies, their right to object to the Settlement, and their right to  
8 appear in person or by counsel at the Final Approval Hearing and be heard  
9 regarding approval of the Settlement. The Court finds that Class Members were  
10 afforded adequate time for each of these procedures.

11 2. The Court finds and determines that this notice procedure afforded  
12 adequate protections to Class Members. The Court further finds and determines  
13 that the Class Notice provided was the best notice practicable and satisfied  
14 the requirements of law and due process.

15 3. No Class Member filed written objections to the proposed Settlement  
16 as part of this notice process or stated an intent to appear and object at the Final  
17 Approval Hearing.

18 4. Five Class Members submitted timely and valid requests for exclusion  
19 from the Settlement: Noel Haynes, Jana Richards, Maureen Nicart, Albert Bratton,  
20 and Jonell Bratton.

21 5. The Court finds and determines that the terms of the Settlement are  
22 fair, reasonable, and adequate to Class Members, that participating Class Members  
23 will be bound by the Settlement, that the Settlement is finally approved, and that  
24 all terms and provisions of the Settlement consistent with this Order should, and  
25 are ordered to, be consummated.

26 6. The Court finds and determines that the Settlement Payments to be  
27 paid to Class Members are fair and reasonable. The Court orders that

1 payment of those amounts as adjusted in light of this Order be made to  
2 participating Class Members out of the Net Settlement Amount in accordance with  
3 the terms of the Settlement Agreement.

4       7. The Court confirms as final the appointment of Dwayne Ballard as  
5 Class Representative.

6       8. The Court confirms CounselOne, P.C. as Class Counsel.

7       9. The Court grants final approval of the following amounts to be paid  
8 out of the Gross Settlement Amount in accordance with the Settlement Agreement  
9 and the Court's Preliminary Approval Order:

- 10       a. Attorneys' Fees and Costs in the total amount of \$75,000<sup>1</sup> in fees  
11                  and \$7,012.45 in costs;
- 12       b. Class Representative incentive award in the amount of \$2,000<sup>2</sup> to  
13                  Class Representative Dwayne Ballard; and
- 14       c. Settlement Administration fees in the amount of \$14,200 to CPT  
15                  Group, Inc.

16       10. As of the Effective Date of the Settlement Agreement, Class Members  
17 (except those who submitted timely and valid requests for exclusion) shall be  
18 deemed to have, and by operation of this Final Approval Order and the final  
19 judgment entered in connection with this Final Approval Order shall have, fully  
20 and irrevocably released and forever discharged the Released Parties from all  
21 Released Claims, as more fully set forth in the Settlement Agreement.

22       11. Without affecting the finality of this Final Approval Order in any way,  
23 the Court retains jurisdiction of all matters relating to the interpretation,  
24 administration, implementation, effectuation, and enforcement of this Final  
25 Approval Order and the Settlement.

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26       <sup>1</sup> Because the Court approves of the 25% approach, the Court need not, and has not, approved either the stated hours  
27 or the suggested hourly rate as reasonable, and counsel shall not represent to any court that it has done so.

28       <sup>2</sup> The Court finds that Mr. Ballard, who apparently did not keep track of the hours spent in connection with this  
litigation, has spent the low to mid-range of time on this matter compared to other class representatives. He did,  
however, attend a full day mediation.

1           12. The Settlement Administrator shall pay 90% of the above-stated  
2 attorney's fees and costs to Class Counsel [timing] The remaining 10% shall be  
3 paid when Class Counsel provides a declaration stating that all other terms of the  
4 settlement have been implemented, as well as a proposed order releasing the  
5 remainder of the fees award.

6           13. The Parties are ordered to comply with the terms of the Settlement  
7 Agreement to the extent they are not inconsistent with this Final Approval Order.

8 Date: March 23, 2020

Dale S. Fischer

Dale S. Fischer  
United States District Judge